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FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 7, 2007**

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Burkett, Coiner, Little, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Paul Blaisdell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett, Coiner, Little, Schroeder, and Stegner were recorded present at this order of business.

February 7, 2007

The JUDICIARY AND RULES Committee reports that **S 1086, S 1087, S 1088, S 1089, S 1090, S 1091, S 1092, and S 1093** have been correctly printed.

DARRINGTON, Chairman

S 1086 and **S 1087** were referred to the Resources and Environment Committee.

S 1088 and **S 1089** were referred to the Education Committee.

S 1090, S 1091, S 1092, and S 1093 were referred to the Health and Welfare Committee.

February 6, 2007

The JUDICIARY AND RULES Committee reports that **S 1006, S 1008, S 1009, S 1034, and S 1035** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1006, S 1008, S 1009, S 1034, and S 1035**, and ordered them transmitted to the House for the signature of the Speaker.

February 6, 2007

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Bill Flory to the Idaho Soil Conservation Commission, term to expire July 1, 2010;

J. Morgan Evans to the Idaho Soil Conservation Commission, term to expire July 1, 2011.

GANNON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2007

The TRANSPORTATION Committee reports out **H 35, H 36, H 37, and H 38** with the recommendation that they do pass.

McGEE, Chairman

H 35, H 36, H 37, and H 38 were filed for second reading.

February 6, 2007

The FINANCE Committee reports out **H 77** with the recommendation that it do pass.

CAMERON, Chairman

H 77 was filed for second reading.

February 6, 2007

The HEALTH AND WELFARE Committee reports out **S 1047** and **S 1048** with the recommendation that they do pass.

LODGE, Chairman

S 1047 and **S 1048** were filed for second reading.

February 7, 2007

The STATE AFFAIRS Committee reports out **S 1062** with the recommendation that it do pass.

McKENZIE, Chairman

S 1062 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 6, 2007

Mr. President:

I transmit herewith **H 69, H 70, H 74, H 93,** and **H 64** which have passed the House.

JUKER, Chief Clerk

H 69, H 70, H 74, H 93, and **H 64** were filed for first reading.

February 6, 2007

Mr. President:

I return herewith **S 1007** and **S 1036** which have passed the House.

JUKER, Chief Clerk

S 1007 and **S 1036** were referred to the Judiciary and Rules Committee for enrolling.

February 5, 2007

Mr. President:

I transmit herewith Enrolled **HCR 2** and **HCR 3** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 2** and **HCR 3** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Judiciary and Rules Committee report relative to the Board of Commissioners of the Idaho State Bar appointment of Anne Solomon was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Kelly, the Idaho State Bar appointment of Anne Solomon as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Idaho State Bar appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Commissioners informing them of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Suzanne Budge Schaefer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Werk, the Gubernatorial appointment of Suzanne Budge Schaefer as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Jay F. Kunz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hammond, seconded by Senator Werk, the Gubernatorial appointment of Jay F. Kunz as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Dean C. Nielson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bair, seconded by Senator Werk, the Gubernatorial appointment of Dean C. Nielson as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of David Hand was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Werk, seconded by Senator McGee, the Gubernatorial appointment of David Hand as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1094

**BY TRANSPORTATION COMMITTEE
AN ACT**

RELATING TO PASSENGER SAFETY FOR CHILDREN; AMENDING SECTION 49-672, IDAHO CODE, TO PROVIDE THAT THERE SHALL BE NO EXCEPTIONS TO THE LAW REQUIRING ALL CHILDREN SIX YEARS OF AGE OR YOUNGER TO BE PROPERLY SECURED IN A CHILD SAFETY RESTRAINT; AND AMENDING SECTION 49-673, IDAHO CODE, TO DELETE REFERENCE TO AN EXCEPTION IN LAW THAT IS NO LONGER APPLICABLE.

S 1095

**BY EDUCATION COMMITTEE
AN ACT**

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO PROVIDE FOR ADDITIONAL SCHOLARSHIP ELIGIBILITY, TO PROVIDE CONDITIONS FOR ELIGIBILITY, TO PROVIDE FOR THE INITIATION OF BENEFITS AND TO MAKE TECHNICAL CORRECTIONS.

S 1096

**BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO PUBLIC HEALTH; AMENDING SECTION 39-1607, IDAHO CODE, TO PROVIDE FOR THE COLLECTION AND USE OF THE FOOD ESTABLISHMENT LICENSE FEE, TO DELETE REFERENCE TO THE FOOD SAFETY FUND AND TO PROVIDE FOR THE DISTRIBUTION OF MONEYS REMAINING IN THE FOOD SAFETY FUND; REPEALING SECTION 39-1608, IDAHO CODE, RELATING TO THE FOOD SAFETY FUND; REPEALING SECTIONS 9 AND 10, CHAPTER 194, LAWS OF 1997, RELATING TO THE STATEMENT OF PURPOSE; REPEALING SECTION 11, CHAPTER 194, LAWS OF 1997, AS AMENDED BY SECTION 1, CHAPTER 176, LAWS OF 2000, AND AS AMENDED BY SECTION 1, CHAPTER 140, LAWS OF 2002, RELATING TO A SUNSET DATE; AND REPEALING SECTION 12, CHAPTER 194, LAWS OF 1997, AS AMENDED BY SECTION 2, CHAPTER 176, LAWS OF 2000, AND AS AMENDED BY SECTION 2, CHAPTER 140, LAWS OF 2002, RELATING TO AN EFFECTIVE DATE.

S 1097

**BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO THE ENVIRONMENT; AMENDING SECTION 39-104, IDAHO CODE, TO REVISE NONCLASSIFIED EMPLOYMENT PROVISIONS REGARDING THE DEPARTMENT OF ENVIRONMENTAL QUALITY;

AMENDING SECTION 39-105, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-107D, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE A GRAMMATICAL CORRECTION; REPEALING SECTIONS 39-3001 THROUGH 39-3019, IDAHO CODE, RELATING TO RADIATION AND NUCLEAR MATERIAL; AMENDING SECTION 39-2026, IDAHO CODE, TO DELETE REFERENCE TO THE DESIGNATED STATE RADIATION CONTROL AGENCY; AMENDING SECTION 39-3028, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO COOPERATE WITH THE FEDERAL GOVERNMENT RELATING TO THE STABILIZATION, DISPOSAL AND CONTROL OF URANIUM MILL TAILINGS, TO AUTHORIZE THE DEPARTMENT TO PARTICIPATE IN FEDERAL IMPLEMENTATION OF A FEDERAL ACT RELATING TO MILL TAILINGS AND TO MAKE A TECHNICAL CORRECTION; REPEALING CHAPTER 62, TITLE 39, IDAHO CODE, RELATING TO PCB WASTE DISPOSAL; AMENDING SECTION 39-7403, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 42-3902, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 63-3029D, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-806, IDAHO CODE, RELATING TO COORDINATION OF PROGRAMS REGARDING THE IDAHO NATIONAL ENGINEERING LABORATORY; AND AMENDING SECTION 67-806A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY.

S 1098

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ESCHEATED AND UNCLAIMED PROPERTY; AMENDING SECTION 14-113, IDAHO CODE, TO REQUIRE THAT PROPERTY FROM AN ESTATE WITH NO HEIRS OR OTHER CLAIMANTS SHALL BE PAID TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND; AMENDING SECTION 14-522, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION AND TO CORRECT CODIFIER'S ERRORS; AMENDING SECTION 14-523, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF FUNDS RECEIVED FROM UNCLAIMED SHARES AND DIVIDENDS OF IDAHO CORPORATIONS TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND, TO PROVIDE FOR RECAPTURE FROM THE PUBLIC SCHOOL EARNINGS RESERVE FUND IF CERTAIN CIRCUMSTANCES OCCUR AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 15-3-914, IDAHO CODE, TO REQUIRE THAT PROPERTY FROM AN ESTATE IN WHICH AN HEIR OR CLAIMANT CANNOT BE FOUND SHALL, AFTER APPROXIMATELY FIVE YEARS, BE PAID TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND AND TO MAKE TECHNICAL CORRECTIONS.

S 1094, S 1095, S 1096, S 1097, and S 1098 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 69, H 70, and H 74 by Local Government Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 93, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 64, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Davis, granted by unanimous consent, the Senate approved a revised Statement of Purpose for **S 1057**.

S 1061, S 1060, S 1058, and S 1057 by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1071, by Finance Committee, was read the second time at length and filed for third reading.

S 1069 and S 1068, by Health and Welfare Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Thursday, February 8, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary